



**Comments on the National Planning Policy Framework 2026
and Housing Delivery Test Results**

Land East of Ansty Way, Cuckfield Bypass, RH17 5AG

**Rule 6 Party: Ansty & Staplefield Parish Council and Cuckfield Parish
Council**

Appeal Reference: 6002030

1. Introduction

- 1.1. These comments are submitted on behalf of Ansty & Staplefield Parish Council and Cuckfield Parish Council (“The Parish Councils”) in response to the Inspector’s invitation to comment on the National Planning Policy Framework (“the Framework”) and Housing Delivery Test (“HDT”) results published on 17 August 2026.
- 1.2. Although the Inquiry closed on 24 June 2026, Annex A of the Framework confirms that its national decision-making policies are material considerations which must be taken into account from the date of publication. The appeal must therefore be determined having regard to the revised Framework.
- 1.3. The statutory starting point nevertheless remains section 38(6) of the Planning and Compulsory Purchase Act 2004. The appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Parish Councils maintain that the Appeal Scheme conflicts with the adopted development plan when read as a whole.
- 1.4. The revised Framework changes the policy route through which the appeal must be considered. In particular, the former paragraph 11(d) tilted balance and the associated question of whether the most important development plan policies are “*out of date*” no longer apply in their previous form.
- 1.5. The new Framework instead establishes specific national decision-making policies governing development within, and outside settlements. In this case, the principal policies are:
 - a) S3 and S5, concerning the principle of development outside settlements;
 - b) HO7 and HO13, concerning housing need and delivery;
 - c) DM4 and HO13(4), concerning emerging development plans and strategic sites;
 - d) TR3 and CC2, concerning sustainable locations and movement;
 - e) DP3, concerning contextual design, integration and settlement identity;
 - f) N2 and N4, concerning the natural environment, agricultural land and Protected Landscapes; and
 - g) Annex A, concerning the weight to be given to development plan policies.
- 1.6. The revised Framework places greater emphasis on whether development outside settlements is appropriately located, sustainably connected and capable of being accommodated by infrastructure. Those requirements go directly to the appeal scheme’s exceptional scale relative to Ansty, poor existing connectivity, reliance on substantial infrastructure, harm to settlement identity and effects upon the setting of the High Weald National Landscape.
- 1.7. The revised Framework is therefore considered to provide a strong national policy basis for concluding that the appeal scheme’s adverse effects substantially outweigh its housing benefits and that the appeal should be dismissed.

2. The tilted balance and the principle of development outside a settlement

The Replacement of the Former Tilted Balance

- 2.1. Policy S3 establishes the presumption in favour of sustainable development. It directs proposals within settlements to Policy S4 and proposals outside settlements to Policy S5. The appeal site lies outside a defined settlement boundary. The appeal scheme must therefore be considered under Policy S5: Principle of Development Outside Settlements.
- 2.2. The former paragraph 11(d) approach should no longer be applied. In particular, the inability of the Council to demonstrate a five-year supply does not automatically render the most important development plan policies out of date. Nor does the former paragraph 11(d)(i) “*strong reason for refusal*” formulation continue to apply.
- 2.3. Instead, S5 identifies the limited categories of development which should be approved outside settlements, unless their benefits would be substantially outweighed by adverse effects when assessed against the national decision-making policies in the Framework.
- 2.4. Where a proposal falls within one of the categories identified in S5(1), it should be approved unless its benefits would be substantially outweighed by its adverse effects when assessed against the national decision-making policies. Where a proposal does not fall within one of those categories, S5(4) provides that it should only be approved in exceptional circumstances where its benefits would substantially outweigh its adverse effects, including effects upon countryside character and sustainable patterns of movement.
- 2.5. The Parish Councils acknowledge that the Council cannot presently demonstrate a five-year supply of deliverable housing sites. The precise supply figure does not affect the engagement of S5(1)(j). The five-year supply shortfall constitutes evidence of unmet need for the purposes of S5(1)(j).
- 2.6. However, the existence of that unmet need is only the first component of S5(1)(j). Residential development must also:
 - a. be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate); and
 - b. be of a scale capable of being accommodated, taking into account the existing or proposed availability of infrastructure.
- 2.7. These are separate considerations and should be assessed in the order in which they appear in the policy. This is assessed below (see paras. 2.8 – 2.35).

Physical Relationship with Ansty

- 2.8. The existing settlement relied upon by the Appellant is Ansty, a small rural category 4 settlement of home to approximately 200–350 residents based on 2021 Census Output Area data (ONS).
- 2.9. The Parish Councils recognise that the appeal site lies close to, and may share a physical relationship with part of, the existing settlement. However, proximity or the presence of a contiguous boundary does not necessarily establish that development of the form proposed would be physically well-related to that settlement.
- 2.10. The term “*well-related*” is considered to require a qualitative assessment of the proposed physical relationship. Relevant considerations include:
- a) the pattern and form of the existing settlement;
 - b) the location and orientation of the proposed development;
 - c) the nature and extent of the connections between them;
 - d) any physical separation or intervening features; and
 - e) whether the development would read as a coherent and integrated extension or as a substantially separate settlement.
- 2.11. The proposal is not for a proportionate extension which would take its form, scale and identity principally from Ansty. The appeal proposal comprises up to 1,450 homes, 90 care units and extensive associated commercial, community and infrastructure provision, with an estimated population of 3,668 residents¹.
- 2.12. However, the Parish Councils’ case does not rest solely upon the significant numerical difference between Ansty and the appeal scheme. It arises from the resulting physical relationship: the transformation of Ansty’s rural setting, the proposed development’s substantially independent form and identity, and the extent to which the existing village would be dominated by the new development.
- 2.13. The appeal scheme would clearly not integrate physically with Ansty in a manner which respects the form and identity of the existing village. Instead, Ansty would become a comparatively small component beside a much larger, predominantly urban development. The proposal would dominate and effectively subsume the existing village, rather than form a coherent and proportionate extension to it. Indeed, it has been promoted by the appellant as a “*new garden community*” with its own facilities, neighbourhoods and identity.
- 2.14. The proposal has not been demonstrated to be physically well-related to Ansty for the purposes of S5(1)(j)(i), nor would it achieve the policy’s objective of securing development that forms a coherent and integrated extension to an existing settlement.

¹ See CD1.34

The Parenthetical Qualification

- 2.15. The second question is whether the parenthetical qualification “*(unless the nature of the development would make this inappropriate)*” disapplies the requirement for the development to be physically well-related to an existing settlement.
- 2.16. The Parish Councils submit that it does not. The qualification is capable of applying where the inherent characteristics or operational requirements of a particular form of development mean that a physical relationship with an existing settlement would be inappropriate. There is nothing inherent in the nature of the appeal scheme which makes such a relationship inappropriate.
- 2.17. The principal nature of the proposed development is residential. It would provide homes alongside schools, healthcare, commercial, community and recreational facilities. For development of that nature, the relationship with existing settlements, services, transport connections and infrastructure remains an important and appropriate consideration.
- 2.18. Nor does the proposed scale or degree of self-containment of the appeal scheme engage the qualification. The fact that a proposal is sufficiently large to provide some of its own facilities does not mean that it no longer needs to be appropriately related to the existing pattern of settlement. Otherwise, the larger and more independent a speculative development became, the easier it would be to avoid the locational requirement within S5(1)(j)(i). That would substantially weaken the purpose and effect of the policy.
- 2.19. Describing the proposal as a “*garden community*” does not create a separate category under S5 or demonstrate that a relationship with an existing settlement would be inappropriate. The description must not substitute for an assessment against the actual requirements of the policy.
- 2.20. The Appellant has previously characterised the proposal as complementary to Ansty and argued that it would improve the sustainability of the existing village. That case necessarily depends upon a meaningful relationship between the appeal proposal and Ansty. It would therefore be inconsistent for the Appellant to also contend that the nature of the development makes it inappropriate to require the proposal to be physically well-related to Ansty.
- 2.21. Alternatively, if the proposal is characterised as a substantially independent new settlement rather than an extension related to Ansty, that would reinforce the strategic issues arising under DM4 and HO13. A new settlement of this scale would constitute a new strategic growth location, with significant implications for the emerging Local Plan’s spatial strategy and the planned scale, location, infrastructure and phasing of development.
- 2.22. The parenthetical qualification should not therefore provide an alternative route to approval in this case. The appeal proposal must demonstrate that it is physically well-related to Ansty, and the Parish Councils submit that it has not done so.

Scale and the Existing or Proposed Availability of Infrastructure

- 2.23. The final requirement is whether development of the proposed scale can be accommodated, taking into account the existing or proposed availability of infrastructure.
- 2.24. This is a separate test from whether the development is physically well-related to Ansty. Should the Inspector conclude the first requirement is satisfied, or that the parenthetical qualification applies, the scale and infrastructure requirement must still be considered.
- 2.25. S5(1)(j)(i) expressly permits account to be taken of both existing and proposed infrastructure. The exceptional scale of the appeal scheme is important in that assessment. Up to 1,450 homes and 90 care units would generate substantial demands for transport, education, healthcare, water and wastewater capacity, utilities, community facilities and other supporting infrastructure. It is accepted by all parties that Ansty's existing infrastructure could not accommodate those demands without extensive new provision.
- 2.26. However, the limited infrastructure currently available within Ansty is not determinative if a sufficiently comprehensive, certain and deliverable package of new infrastructure would enable development of the proposed scale to be accommodated.
- 2.27. The appeal proposal includes an extensive infrastructure package considered to be material benefits and are capable of being taken into account under S5. They demonstrate that the appeal scheme seeks to address the infrastructure requirements generated by development of this scale. They also demonstrate the extent to which the acceptability and functioning of the development would depend upon infrastructure which does not presently exist.
- 2.28. Importantly, the identification of proposed infrastructure does not establish compliance by itself. It is considered that the Inspector must consider whether the infrastructure is sufficient; whether its delivery is properly secured; whether it would be provided at the stages when it is required; and whether reliance upon external providers, future approvals or long-term funding arrangements creates material uncertainty.
- 2.29. The question is therefore whether that package would be sufficient, deliverable and appropriately phased. Particular attention should be given to whether essential infrastructure would be operational before the relevant homes were occupied and whether the conditions and planning obligations would provide certainty over delivery and continued operation.
- 2.30. The evidence from Southern Water concerning the need to upgrade wastewater infrastructure and the associated lead-in period is directly relevant. The proposed Grampian arrangements relating to potable-water infrastructure must also be considered. While these matters do not necessarily make the development unacceptable, they demonstrate that occupation depends upon substantial works and decisions involving third-party infrastructure providers.

- 2.31. Similar scrutiny is required in relation to the proposed bus service and active-travel measures. It is considered that the Inspector should consider when those measures would become operational, how their delivery and long-term funding would be secured, and whether they would provide a genuine and enduring alternative to private-car travel throughout the development's phasing.

The Applicable S5 Balance

- 2.32. Whether the proposal is assessed under S5(1) or S5(4), Policy HO7 requires substantial weight to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community. The Parish Councils acknowledge that the proposed market, affordable and specialist accommodation would make such a contribution and that the resulting housing benefit should receive substantial weight.
- 2.33. That acknowledgment does not prescribe the outcome of the appeal. HO7 is an instruction concerning the weight attributable to the housing benefit; it is not a direction that housing should be approved irrespective of its location, scale and effects. It does not displace the requirements of S5, dilute the sustainable-location requirements of TR3 or reduce the protection afforded by N4 and the other relevant national decision-making policies.
- 2.34. The Appellant also relies upon economic, educational, healthcare, sports, community, biodiversity and connectivity benefits. Those matters should be considered in the overall balance, but they do not automatically attract the substantial weight prescribed by HO7. Their weight depends upon their scale, additionality, timing and certainty of delivery. To the extent that infrastructure, facilities and transport measures are necessary to serve the development or mitigate effects generated by it, they should not be treated as freestanding benefits or counted twice in the planning balance.
- 2.35. The latest Housing Delivery Test provides important context. Mid Sussex delivered 3,124 homes against a requirement of 3,008, achieving 104% and attracting no formal policy consequence. The result does not require an HDT action plan, impose an HDT-derived 20% supply buffer or independently establish an HDT-based presumption of unmet need. As recognised by the local plan Inspector, and in previous appeal decision² Mid-Sussex has a strong history of housing delivery. And, despite difficult economic conditions, the latest data continues to reinforce this position.
- 2.36. The HDT is backward-looking, whereas the five-year housing land supply assessment concerns prospective delivery. The two results can therefore coexist. The 104% result does not remove the current five-year supply shortfall, but it confirms that Mid Sussex is not an authority characterised by persistent or systemic under-delivery. There is consequently no basis for presenting the appeal proposal as necessary to remedy a wider failure by the Council to secure the delivery of housing.
- 2.37. Policy HO13(1) is directly relevant to the timing and certainty of the claimed housing benefit. It requires major housing proposals to be capable of bringing homes forward within a reasonable

² See CD 11.4 [APP/D3830/W/23/3319542]

period, taking into account the proposed tenure mix, local market conditions, absorption rates and the development history of the site.

- 2.38. An outline proposal for up to 1,450 homes is not equivalent to the immediate delivery of that number of dwellings. The appeal proposal is a substantial, long-term and multi-phased development dependent upon extensive supporting infrastructure. The evidence already before the Inquiry concerning wastewater capacity, potable-water infrastructure, phasing, market absorption and reliance upon third parties is therefore directly relevant to the rate and timing at which housing could realistically be delivered. The appellants request for an extended time-limit for the permission in the draft conditions is testament to the uncertainty of delivery of this site.
- 2.39. It is therefore considered that the Inspector should distinguish between the overall quantum of housing proposed and the contribution that the development could realistically make to the present shortfall within its earlier phases. The scale of the proposal does not, without evidence concerning the timing and certainty of delivery, justify attributing greater weight simply by reference to the maximum number of homes sought.
- 2.40. If S5(4) applies, the Parish Councils submit that no exceptional circumstances have been demonstrated. Even taking the housing and other benefits at their proper weight, they would not substantially outweigh the proposal's adverse effects.
- 2.41. If the Inspector instead concludes that S5(1)(j) is satisfied, the Parish Councils submit that the outcome should remain the same under S5(1). The benefits of approving the proposal would be substantially outweighed by its adverse effects, including its poor existing connectivity, consequences for sustainable patterns of movement, impact upon Ansty's identity and countryside character, and harm to the setting of the High Weald National Landscape.

3. Character, Settlement Identity and Integration

- 3.1. Policy DP3 requires development to respond to the history, character and features of its site and setting so that it integrates with and enhances its surroundings.
- 3.2. It also requires good connections to nearby settlements and the maintenance of a strong sense of place and identity. In the absence of clear justification, proposals conflicting with those principles should be refused.
- 3.3. The appeal proposal would not simply extend the built form of Ansty. It would introduce a new settlement-scale development many times larger than the existing village, with its own infrastructure, facilities and identity.
- 3.4. The Parish Councils' evidence is that the proposal would dominate and subsume Ansty rather than integrate with it. It would materially alter the rural identity of the existing settlement, erode the perceived separation between Ansty and Cuckfield and create the appearance of coalescence.

- 3.5. Those effects are relevant both to DP3 and to the requirement in S5(1)(j) for the development to be physically well-related to an existing settlement. Physical adjacency alone does not demonstrate successful integration or an acceptable relationship.
- 3.6. If the Inspector accepts the evidence concerning the loss of settlement identity, perceived coalescence and failure to respond appropriately to context, the proposal would conflict with DP3.
- 3.7. As DP3 directs refusal in the absence of clear justification where its principles are not met, that conflict is also relevant to S5(2) and to whether the adverse effects would substantially outweigh the benefits.

4. Prematurity and the Emerging Local Plan

- 4.1. Policy DM4 governs the weight to be given to emerging development plan policies. Weight may be attributed according to:
 - a) the stage reached in preparing the plan;
 - b) the extent of unresolved objections to the relevant policies; and
 - c) the degree of compliance between the emerging policies and the plan-making policies in the Framework.
- 4.2. The emerging Mid Sussex Local Plan is at an advanced stage. It has been submitted and examined, finessed with further work, testing and main modifications have been consulted upon³.
- 4.3. The weight attributed to it must reflect its actual procedural position at the date of the appeal decision, the status of the proposed additional sites and the extent of any outstanding testing, consultation and objections.
- 4.4. The appeal site has been considered at different stages of the plan-making process. The latest post-hearing site-selection assessment rejected the appeal site because the benefits were not considered sufficient to outweigh harm to the High Weald and the perceived coalescence of Ansty and Cuckfield.
- 4.5. The mere fact that the appeal site is not allocated does not justify dismissal. The significance lies in the proposal's strategic scale and the fact that its location has been assessed through the plan-making process but is not part of the Council's proposed distribution of strategic growth.

Prematurity under DM4

- 4.6. DM4(2) provides that permission should not be refused on grounds of prematurity other than where both:

³ Consultation on Main Modifications closes on 6 September 2026.

- a) the proposal must be so substantial, or its cumulative effect so significant, that granting permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of development central to the emerging plan; and
- b) the emerging plan must be at an advanced stage but not yet formally part of the development plan.

- 4.7. The appeal proposal is of a scale capable of engaging that policy. It would introduce a new strategic growth location comprising up to 1,450 homes, 90 care units and extensive associated infrastructure. Granting permission would therefore have implications beyond the determination of an ordinary unallocated housing site.
- 4.8. It could materially affect the distribution, timing and infrastructure requirements of growth across the District and predetermine matters which have been considered through the Local Plan examination. Further, the plan-making process has advanced and the national policy framework has changed since the application was determined. A strategic development at Ansty Farm would represent a change of direction for a draft local plan which is in its later stages of being adopted. The Parish Councils submit that both limbs of DM4(2) are consequently capable of being satisfied.

Policy HO13

- 4.9. Policy HO13(4) provides an additional consideration. Where an emerging development plan proposes to allocate one or more strategic sites, development proposals for strategic sites should not be inconsistent with the proposed scale, location and phasing of those sites. The Framework expressly states that this applies notwithstanding DM4(2).
- 4.10. The appeal proposal falls within the character of a strategic site as defined by the Framework. Although it proposes 1,450 (C3) homes rather than the indicative threshold of 1,500 dwellings, the definition confirms that the scale may vary according to the mix of uses. The proposal also includes 90 (C2) units, commercial and community uses, substantial infrastructure, multiple phases and a masterplanned form of development.
- 4.11. The Parish Councils therefore submit that HO13(4) applies. The proposal would introduce a substantial strategic development in a location which the emerging plan has considered but does not identify for strategic growth. It would compete with and potentially affect the delivery and phasing of the strategic sites through which the emerging plan intends to meet the District's needs.
- 4.12. This is not an argument that every unallocated site must be refused. The conflict arises from the exceptional scale and strategic nature of the proposal, its infrastructure and delivery implications, and the fact that its location has been expressly assessed through the plan process and rejected for identified landscape, settlement-separation and sustainability reasons.
- 4.13. Adoption of the emerging plan will restore the Council's five-year housing supply. Whilst this does

not remove the current shortfall or disengage S5(1)(j), it is relevant context when considering whether permission should be granted for a competing strategic development shortly before the plan-making process concludes.

- 4.14. The emerging plan should therefore be afforded material weight under DM4(1). The proposal's implications for the location and phasing of strategic growth should also be considered under DM4(2) and HO13(4).

5. The High Weald National Landscape

- 5.1. Policy N4 provides the national decision-making framework for development affecting Protected Landscapes.
- 5.2. N4(1) provides that development within a Protected Landscape should be limited in scale and extent and sensitively located and designed. It also requires substantial weight to be placed on conserving and enhancing the natural beauty of those areas.
- 5.3. The appeal site lies outside, but immediately adjoins, the High Weald National Landscape. The express substantial-weight wording in N4(1) therefore does not apply automatically to the appeal proposal in the same manner as it would to development located within the designation.
- 5.4. The appeal proposal is nevertheless directly subject to N4(4), which provides that development within the setting of a protected landscape should be sensitively located and designed to avoid or minimise adverse impacts upon the protected landscape.
- 5.5. N4(4) does not prescribe a particular level of weight, but it establishes a clear national requirement. Development within the setting must be assessed by reference to its effect upon the designated landscape, rather than simply by whether the development boundary falls inside or outside the designation.
- 5.6. The decision-maker must also continue to discharge the statutory duty under section 85(A1) of the Countryside and Rights of Way Act 2000 when exercising functions in a manner which affects land within a National Landscape.
- 5.7. Evidence identifies the appeal site as forming part of the contiguous rural landscape adjoining the High Weald. The proposal would introduce a development of exceptional scale and an extensive urbanising influence immediately beside its boundary.
- 5.8. The identified effects include changes to landscape character and views, intervisibility between the development and the High Weald, the erosion of the rural setting of the designation, and the wider alteration of the identity and setting of Ansty.
- 5.9. The Parish Councils maintain that the development has not been sensitively located. Its scale and proximity to the High Weald mean that the adverse effects are inherent in the choice of location and

cannot be removed simply through landscaping, detailed design or treatment of the development edge.

- 5.10. Mitigation may reduce particular visual effects over time, but it would not alter the fundamental change from a rural landscape to a substantial urban development immediately adjoining the National Landscape.
- 5.11. If the Inspector accepts the landscape evidence advanced by the Parish Councils, the proposal would conflict with N4(4) and with Policy DP16 of the adopted District Plan.
- 5.12. The former national policy terminology relating to “valued landscapes” no longer appears in the same form. However, it does not make the identified landscape harm immaterial.
- 5.13. The effects remain directly relevant under N2, which requires the environmental qualities, landscape character and natural beauty of land to be considered; N4(4), concerning the setting of the High Weald; DP3, concerning contextual design and integration; and the relevant development plan policies.
- 5.14. The removal of the “*valued landscape*” terminology therefore does not neutralise the landscape evidence or the identified conflict with the development plan.

6. Locational sustainability and sustainable transport

- 6.1. Policy TR3 is directly relevant to the locational sustainability of the appeal proposal. It provides that development generating a significant amount of movement should be located where sustainable patterns of movement can be supported, good accessibility can be achieved, and existing or proposed transport infrastructure can be used effectively.
- 6.2. Such development should be in a location which is sustainable or which can be made sustainable through planned improvements, including improvements provided as part of the development itself.
- 6.3. The policy therefore allows account to be taken of proposed bus services, active-travel improvements, on-site facilities and other measures secured through the development. The fact that the appeal site is not currently sustainably connected is not necessarily determinative.
- 6.4. However, TR3 requires the location, including any secured improvements, to limit the need to travel, particularly by private car, and offer residents and users a genuine choice of transport modes. It is not sufficient merely to demonstrate that highway capacity and safety impacts can be mitigated.
- 6.5. TR3(2) also expressly requires the Government’s Connectivity Tool to be used alongside other relevant quantitative and qualitative evidence.

- 6.6. As recorded in Mr Lewis' proof and addressed in the transport evidence, and not contested by the appellant, the appeal site achieves a Connectivity Tool score of only 26–39 out of 100. This provides a nationally recognised indication of the site's relatively poor existing connectivity.
- 6.7. The Connectivity Tool score is not determinative and should not be considered in isolation. The Inspector must also assess the qualitative evidence, including the proposed bus services, walking and cycling connections, the range and timing of on-site facilities, access to employment and the practical choices which would be available to future residents.
- 6.8. The central issue is whether those measures are sufficiently certain, deliverable, appropriately phased and capable of long-term operation to transform the location into one offering a genuine alternative to private-car travel.
- 6.9. The absence of an objection from the highway authority on capacity or highway-safety grounds does not determine that separate question. A proposal may avoid an unacceptable impact upon highway capacity or safety while remaining poorly located in broader sustainability terms.
- 6.10. The nearest railway station at Haywards Heath is approximately 4.5 kilometres from the site. The site is not within reasonable walking distance of a well-connected station and does not benefit from the separate support available under S5(1)(h).
- 6.11. The absence of a nearby well-connected station is not, by itself, a reason why the proposal cannot qualify under S5(1)(j), which provides an alternative route for development addressing unmet need. It is nevertheless relevant contextual evidence when assessing existing connectivity and the extent to which future residents would be dependent upon buses, active travel or private vehicles to access employment and higher-order services.
- 6.12. Policy CC2 reinforces TR3 by requiring development to prioritise sustainable patterns of movement and support good access to facilities so as to limit the need to travel. This may be achieved through location, density or the incorporation of community facilities and local employment opportunities.
- 6.13. The provision of facilities within the proposed development is relevant to CC2. However, the scale, range, timing and long-term viability of those facilities must be considered. The inclusion of a school, local centre or other facilities does not necessarily achieve a sustainable location if residents would remain dependent upon private vehicles for a substantial proportion of employment, retail, leisure and other journeys.
- 6.14. The Parish Councils therefore maintain that TR3 and CC2 strengthen the importance of the locational evidence before the Inquiry. They require the Inspector to consider not simply whether transport impacts can be mitigated, but whether this is an appropriate location for development of the scale proposed.

7. Other environmental and policy implications

- 7.1. Annex A provides that development plan policies, or parts of policies, which are materially inconsistent with the national decision-making policies should be given very limited weight. Policies should not, however, be given reduced weight simply because they pre-date the revised Framework.
- 7.2. The adopted development plan must therefore be considered policy by policy. The current housing supply position does not justify treating all relevant spatial, landscape or settlement policies as out of date or of limited weight.
- 7.3. Policy DP16's protection of the High Weald and its setting is supported by N4(4). Policy DP13's objectives concerning settlement identity, countryside character and unacceptable urbanisation are consistent with DP3 and N2. Those policies remain relevant and should continue to be afforded significant weight.
- 7.4. To the extent that parts of Policies DP6, DP12 or DP15 are materially inconsistent with the revised Framework's approach to development outside settlements, those particular parts may attract reduced weight. Their underlying objectives concerning sustainable patterns of development, settlement hierarchy, countryside character and infrastructure are nevertheless reflected in S5, TR3, CC2, DP3 and N2.
- 7.5. Policy N2 requires development to take account of the quality of agricultural land, including Best and Most Versatile agricultural land. Where significant development of agricultural land is necessary, areas of poorer-quality land should be used where possible.
- 7.6. Mr Connells evidence gives limited weight to the presence of Best and Most Versatile agricultural land. Nevertheless, its loss is a relevant adverse effect which should be considered within the overall S5 balance, particularly where alternative strategic locations have been assessed through the emerging Local Plan.
- 7.7. Policy N6 provides that proposals entailing the loss or deterioration of an irreplaceable habitat, including ancient woodland and ancient or veteran trees, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy.
- 7.8. That refusal test is engaged only if the Inspector finds that the proposal would cause the loss or deterioration of an irreplaceable habitat. To the extent that such an effect is established by the ecological and arboricultural evidence already before the Inquiry, N6 provides a clear national decision-making basis for refusal. It should not, however, be treated as engaged solely because ancient woodland is present within the wider area.
- 7.9. The proposed use of planning conditions, obligations and infrastructure commitments must also be considered realistically. Such mechanisms can make otherwise unacceptable effects acceptable and are routinely used for major development. However, they must be sufficiently precise, enforceable and deliverable.
- 7.10. The Inspector should therefore assess whether the transport, water, education, healthcare and

other infrastructure relied upon by the appellant would be delivered at the stages when it is required and whether it would adequately address the effects of the development.

- 7.11. Conditions and obligations may mitigate particular impacts, but they cannot necessarily remedy a fundamental locational conflict where development of the scale proposed is poorly connected, inadequately related to the existing settlement or inherently harmful to the setting of the High Weald National Landscape.

8. Overall planning balance and conclusion

- 8.1. The Parish Council acknowledge that the Council's inability to demonstrate a five-year housing land supply brings S5(1)(j) into consideration. It does not, however, establish that the appeal proposal falls within that category.
- 8.2. The appeal scheme must be physically well-related to an existing settlement, unless the nature of the development makes that requirement inappropriate, and be of a scale which can be accommodated taking account of existing or proposed infrastructure. Physical well-relatedness is a qualitative requirement and is not satisfied merely because a site is close to, or adjoins, a settlement boundary. The relationship must be assessed having regard to the scale, form and function of the proposal and the characteristics of the settlement concerned.
- 8.3. A development of up to 1,450 homes and 90 care units beside Ansty, a small rural 'category 4' village of approximately 102 dwellings would not form a proportionate or integrated extension. It would overwhelm the existing village and operate, in substance, as a separate new settlement. Nor does the parenthetical qualification apply: a residential-led development whose claimed sustainability depends upon its relationship with Ansty is precisely the type of development for which physical well-relatedness is important. The appeal proposal's dependence upon extensive new infrastructure must separately be tested against the timing, certainty and deliverability of that provision, rather than assumed from the infrastructure proposed. These requirements are cumulative. Even if the infrastructure component were satisfied, it could not cure a failure to demonstrate that the proposal is physically well-related to Ansty.
- 8.4. Policy HO7 requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs. The Parish Councils acknowledge that the proposed housing would make such a contribution. That does not prescribe the outcome or direct that housing should be approved irrespective of its location and effects. The 104% Housing Delivery Test result also demonstrates recent delivery above the assessed requirement and carries no formal policy consequence. Although it does not remove the five-year supply shortfall, the Council should not be characterised as a persistently underperforming housing authority.
- 8.5. Policy HO13(1) requires consideration of whether the housing would be brought forward within a reasonable period. The scheme's scale and phasing, market absorption, water and wastewater

infrastructure requirements and dependence upon third parties are directly relevant. Its maximum capacity should not be equated with an immediate or certain contribution to the present shortfall.

- 8.6. CC2 and TR3 reinforce the importance of the location. The appeal site's low Connectivity Tool score, distance from a railway station and existing dependence upon private vehicles demonstrate its poor existing connectivity. The effectiveness, certainty and long-term delivery of the proposed transport measures must be demonstrated rather than assumed. DP3 also supports the Parish Councils' evidence that the proposal would fail to integrate with Ansty, erode its rural identity and create a perception of coalescence with Cuckfield.
- 8.7. N4(4) provides a direct national policy basis for considering harm to the setting of the High Weald National Landscape. The urbanising influence of development on this scale, immediately adjoining the designated landscape, would be inherent in the choice of site and could not be removed through detailed design or landscaping. The appeal site has also been considered and rejected through the advanced Local Plan process. Granting permission would cut across the emerging strategy for the scale, location and phasing of strategic growth and would be inconsistent with HO13(4).
- 8.8. If the proposal does not fall within S5(1)(j), the exceptional-circumstances test in S5(4) applies. No such circumstances have been demonstrated and the benefits would not substantially outweigh the adverse effects. If the Inspector instead concludes that S5(1)(j) is satisfied, the outcome should remain the same under S5(1): the acknowledged housing and other benefits would be substantially outweighed by the adverse effects relating to locational sustainability, settlement identity, perceived coalescence, countryside and landscape character, the setting of the High Weald National Landscape, infrastructure dependencies and conflict with the emerging strategy.
- 8.9. The revised Framework and Housing Delivery Test results therefore reinforce, rather than displace, the Parish Councils' case. The appeal should be dismissed.